

### **REMARKS**

Claims in the case are 24-31, 33-50, and 52-55, upon entry of this Amendment. Claim 24 has been amended, no claims have been added, and Claim 32 has been cancelled without prejudice herein.

#### **Claim Amendments:**

Claim 24 has been amended to include the subject matter of claim 32. Claim 32 has accordingly been cancelled without prejudice.

#### **Drawing Objection:**

Figure 6 is objected to with regard to the absence of recitation within the specification as to character 614. Paragraph [0052] on page 11 of the specification has been amended herein to replace "overcoat material" with --overcoat material 614--. Support for this amendment to the specification is provided by paragraph [0052] and Figure 6. Paragraph [0052] provides the following recitation, "[t]he sacrificial material 610 is then overcoated (630) using AVATREL overcoat material." In Figure 6, overcoating step 630 clearly depicts an overcoat material 614 applied over sacrificial material 610.

Paragraph [0052] has also been amended as to form by replacing "Avatrel" with --AVATREL-- because it is a trademark.

In light of the amendments herein and the preceding remarks, the objection to Figure 6 is believed to have been overcome. Reconsideration and withdrawal of the present objection are respectfully requested.

#### **Anticipation Rejection:**

Claims 24-26, 30-36, 40, 42, 52, and 55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Application Publication No. US 2003/0183916 A1 (**Heck et al.**). This rejection is respectfully traversed in light of the amendments herein and the following remarks.

Applicants' present patent application has a priority date of March 15, 2004, relative to Provisional Patent Application No. 60/553,178. Heck et al. was published on October 2, 2003. Heck et al. was published less than one year prior to the priority date of Applicants' present patent application. As such, it appears this rejection should be under 35 U.S.C. § 102(e).

For purposes of expedient prosecution, Applicants' will treat this rejection as if it were raised under 35 U.S.C. § 102(e).

The overcoat layer formed in the method of Applicants' present claims provides an airtight enclosure around the gas cavity. In particular, the overcoat layer alone provides an airtight enclosure around the gas cavity. As such, the overcoat layer of Applicants' present claims is NOT, as it CANNOT be, porous.

Heck et al. discloses first "making the cover 20 sufficiently porous to pass the decomposed layers 15 and 25", and then forming a sealing material 34 over cover 20, so as to provide "the barrier needed to seal the cavity 22". See paragraph [0020] of Heck et al. (emphasis added). As such, the porous cover 20, as disclosed by Heck et al., is NOT by itself capable of providing an airtight seal to cavity 22.

Heck et al. provides no disclosure or suggestion with regard to the method of Applicants' present claims that involves the formation of an overcoat layer that by itself: (i) allows decomposed molecules of an underlying layer to permeate therethrough; and (ii) at the same time, provides an airtight enclosure around the gas cavity.

In light of the amendments herein and the preceding remarks, Applicants' claims are believed to be unanticipated by and patentable over Heck et al. Reconsideration and withdrawal of the present rejection are respectfully requested.

### **Obviousness Rejections:**

#### ***I. Heck et al. in view of Freidhoff - Claims 27-29:***

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US 2003/0155643 A1 (**Freidhoff**). This rejection is respectfully traversed in light of the following remarks.

The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Freidhoff does not address or otherwise overcome the deficiencies of Heck et al. Claims 27-29 are believed to be unobvious, and patentable, at least for the same reasons as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

***II. Heck et al. in view of Gallagher et al., Claims 37, 53, and 54:***

Claims 37, 53, and 54 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US 2004/0137728 A1 (**Gallagher et al.**). This rejection is respectfully traversed in light of the following remarks.

The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Gallagher et al. does not address or otherwise overcome the deficiencies of Heck et al. Claims 37, 53, and 54 are believed to be unobvious, and patentable, at least for the same reasons as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

***III. Heck et al. in view of Silverbrook, Claims 38-39, 43-45, and 47-49:***

Claims 38-39, 43-45, and 47-49 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US 2003/0122227 A1 (**Silverbrook**). This rejection is respectfully traversed in light of the following remarks.

The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Silverbrook does not address or otherwise overcome the deficiencies of Heck et al. Claims 38-39, 43-45, and 47-49 are believed to be unobvious, and patentable, at least for the same reasons

as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

***IV. Heck et al. in view of Partridge et al., Claim 41:***

Claim 41 stands rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US 2004/0245586 A1 (**Partridge et al.**). This rejection is respectfully traversed in light of the following remarks.

The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Partridge et al. does not address or otherwise overcome the deficiencies of Heck et al. Claim 41 is believed to be unobvious, and patentable, at least for the same reasons as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

***V. Heck et al. in view of Barth et al. - Claim 46:***

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US 2006/0014374 A1 (**Barth et al.**). This rejection is respectfully traversed in light of the following remarks.

The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Barth et al. does not address or otherwise overcome the deficiencies of Heck et al. Claim 46 is believed to be unobvious, and patentable, at least for the same reasons as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

***VI. Heck et al. in view of Fonash et al. - Claim 50:***

Claim 50 stands rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Heck et al. in view of United States Patent Application Publication No. US

2004/0005258 A1 (**Fonash et al.**). This rejection is respectfully traversed in light of the following remarks.

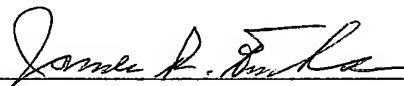
The present rejection does not include claim 32. Claim 24 has been amended to include the subject matter of claim 32. Heck et al. has been discussed previously herein. Fonash et al. does not address or otherwise overcome the deficiencies of Heck et al. Claim 50 is believed to be unobvious, and patentable, at least for the same reasons as discussed previously herein. Reconsideration and withdrawal of the present rejection are respectfully requested.

### CONCLUSION

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are believed to define an invention that is unanticipated, unobvious, and, hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims are respectfully requested.

Respectfully submitted,

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